

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: GUIDANT CORP.
IMPLANTABLE DEFIBRILLATORS
PRODUCTS LIABILITY LITIGATION

MDL No. 05-1708 (DWF/AJB)

This Document Relates to All Actions

PRETRIAL ORDER NO. 36

Based on the great number of motions to withdraw that have been filed in recent months, the number of *pro se* Claimants has risen dramatically and is now approaching roughly 350. The Court is aware that the PLC and/or PSC have been assisting the *pro se* Claimants with their settlement submissions. While the Court believes that this assistance is needed and should be provided, it does not believe that it should be provided at the expense of other Claimants who are represented by counsel. In other words, the Court believes that *pro se* Claimants should bear some costs associated with receiving assistance in the MDL. For this reason, under both its inherent authority and its authority to assist in the implementation and execution of the Master Settlement Agreement, the Court is considering imposing a small contingency-type fee on *pro se* Claimants.

Given this, **IT IS HEREBY ORDERED** that:

1. Within thirty (30) days from the date of this Order, the PLC and/or PSC shall submit a letter brief summarizing their work associated with *pro se* Claimants, estimating the expenses associated with that work, and stating their views on whether the

Court can and should assess fees to *pro se* Claimants. The letter brief shall be no more than five (5) pages in length and shall be filed on CM/ECF.

2. Within thirty (30) days from the date of this Order, any *pro se* Claimant can submit a letter brief stating their views on whether the Court can and should assess fees to *pro se* Claimants. The letter brief shall be no more than five (5) pages in length and shall be filed on CM/ECF.

3. After receiving the letter briefs, the Court will make any decision related to a *pro se* assessment without oral argument.

Dated: August 12, 2008

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court